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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,249	06/21/2007	Karl-Ragmar Riemschneider	DE03 0226 US1	6034
65913	7590	04/16/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			LABBEES, EDNY	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			04/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.		Applicant(s)	
	10/562,249		RIEMSCHNEIDER ET AL.	
	Examiner		Art Unit	
	EDNY LABBEES		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Of Claims

1. The applicant filed a Request for Continued Examination (**RCE**) on 3/16/2009.
Claims 1-21 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 10, 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. (US 5,134,277) in view of Kulha et al. (US 5,973,611).

Regarding Claim 1, Yerbury discloses *Remote Data Transfer System With Ambient Light Insensitive Circuitry* that teaches the following claimed limitations:

Claimed method for increasing the security of passive transponder systems employing wireless transmission between at least one base station and at least one personal device that a person can carry with him or her to establish that the personal device is spatially close to the base station to provide secured access, the method comprising providing signaling perceptible to a human as part of a communication between the base station and the personal device is met by the system of Yerbury

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comprising an optical interrogator (2) and a tag (1) attached to objects, such as packages and containers (see Col. 1 Ins 17-20). It is inherent that the packages can be carried by a person. In addition, the optical interrogator comprising a light source to be transmitted to a tag (1), wherein the tag (1) comprises a photovoltaic array (16) that is activated by detection of light from the interrogator (8) (see Col. 4 Ins 65=68 and Col. 5 Ins 17-20);

Claimed analyzing the perceptible signaling to verify compatibility of the personal device and the base station is met by the system of Yerbury wherein the tag (1) detects incoming light pulses and converts them to electrical signals (see Col. 5 Ins 34-65), thus verifying that the perceptible signal is analyzed.

Yerbury, while suggesting RFID technology, does not disclose a passive transponder system. Rather, Yerbury discloses a system wherein the tag (1) comprises a battery cell (21) (See Col.5 Ins 52-54), which would make it an active system. However, it is well known in the art to implement passive systems due to the advantageous of not using a power supply thus making the system cheaper to produce. Kulha discloses *Hands-Free Remote Entry System* that teaches an entry system (10) comprising a base transceiver (12) and a fob or portable transceiver (14) and wherein the transceivers (12) consists of wake-up sensors (20) that detect objects within zones upon sensing an object with the one of the sensors (20). The microprocessor (16) of the transceiver (12) transmits wake-up information and data to the fob transceiver and in turn receives identification and data signals from the fob transceiver (14) (See Col. 3 Ins 1-10 and Col. 3 Ins 34-52). Therefore, it would have been obvious to one of ordinary

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skill in the art to incorporate the teachings of Kulha into the system of Yerbury to implement a passive system so that the system is cheaper to produce.

Regarding Claim 2, the combination of Yerbury and Kulha discloses all of the claimed limitations: Claimed perceptible signaling is emitted from the base station is met by the system of Yerbury wherein the light source is emitted from the interrogator (2) (See Col. 4 Ins 64-68).

Regarding Claim 3, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 4, the signal transmitted by the activated tag transponder is an encoded signal. The signal is received and decoded by a radio receiver (3) (see Col. 5 Ins 60-65).. Since the signal is encoded, it would have been obvious to one of ordinary skill in the art to have readily recognized that the tag (1) concludes communication with the interrogator (8) in a secure manner.

Regarding Claim 5, the combination of Yerbury and Kulha discloses all of the claimed limitations: Kulha discloses a system that includes a portable transceiver (14) comprising a microprocessor (36) and various peripheral outputs (48). The processor (36) drives the various peripheral outputs (48). The peripheral outputs (48) consists of audible and visual warnings located on the fob transceiver (14) such as beepers or LED's which are used to communicate to the user (See Col. 3 Ins 53 - Col. 4 Ins 11).

Regarding Claim 10, the claim is interpreted and rejected as claim 5 stated above.

Regarding Claim 14, the claim is interpreted and rejected as claim 1 stated above. In addition, claimed communication array is met by the system of Kulha wherein the base transceiver (12) communicates with the portable transceiver (14).

Regarding Claim 15, the claim is interpreted and rejected as claims 1, 5 and 14 stated above.

Regarding Claim 18, the combination of Yerbury and Kulha discloses all of the claimed limitations: Claimed personal device includes a control for triggering an alarm is met by the system of Kulha wherein the transceiver (14) comprising a microprocessor (36) and various peripheral outputs (48). The processor (36) drives the various peripheral outputs (48). The peripheral outputs (48) consists of audible and visual warnings located on the fob transceiver (14) such as beepers or LED's which are used to communicate to the user (See Col. 3 Ins 53 - Col. 4 Ins 11).

Regarding Claim 19, the claim is interpreted and rejected as claims 1 and 2 stated above.

4. Claims 6-8, 11-13, 16, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. and Kulha et al. and further in view of Macfarlane (US 2003/0231550).

Regarding Claim 6, the combination of Yerbury and Kulha do not specifically disclose a system wherein the base station receives and analyzes at least part of the perceptible signaling. Rather, Yerbury discloses a system wherein the base station emits a perceptible signal and is analyzed by the transponder/tag (1). However,

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Macfarlane discloses *Personalized Key System For A Mobile Vehicle* that teaches a system comprising a key fob (120/220), a mobile vehicle (110). The mobile vehicle (110) includes a telematics unit (130) to perform functions within the mobile vehicle (110) (see paras [0015 0016 0033]). The key fob (220) includes mechanism to transmit voice commands to the telematics unit (130) within the mobile vehicle (110), thereby requesting that certain functions be performed within the vehicle to be further processed (See paras [0033 0035]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Macfarlane into the system(s) of Yerbury and Kulha for the advantage of offering greater customization and a larger variety of vehicle settings and service available to the user outside the vehicle.

Regarding Claim 7, the combination of Yerbury, Kulha and Macfarlane discloses all of the claimed limitations. Macfarlane discloses a system wherein the key fob (120) initiates a voice command that is received by the telematics unit (130), and a function message that is relayed to the appropriate equipment or controllers in the mobile vehicle to perform a requested function (See paras [0028]).

Regarding Claim 8, Kulha discloses a system wherein the portable transceiver includes switch/keypad inputs (38) to allow a user to manually actuate the fob transceiver (see Col. 3 lns 58-60). Therefore, the actuator also serves the purpose to deactivate the portable transceiver via the switch/keypad inputs (38).

Regarding Claim 11, Kulha discloses a system wherein the user is carrying a portable transceiver (14) communicates with the base transceiver (12) only when the portable transceiver (14) is within range. If the portable transceiver (14) is not in range,

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then the functionality of unlocking/locking of the vehicle doors cannot be performed until the perceptible signal, i.e. the peripheral outputs (48) of the portable transceiver, has been activated, thus meeting the claimed limitations.

Regarding Claim 12, Macfarlane discloses a system wherein the voice commands are transmitted to the telematics unit of the vehicle, where the signals are digitized and compared to a list of stored messages to determine the corresponding function message (see paras [0035]). It would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]).

Regarding Claim 13, Kulha discloses a system wherein the wake-up sensors (20) are utilized to detect approaching objects within various zones about the vehicle (see Col. 3 Ins 10-52).

Regarding Claim 16, the claim is interpreted and rejected as claim 8 stated above.

Regarding Claim 17, as indicated above in the rejection of claim 12, it would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]). In essence, this is a protective measure to prevent unauthorized entry.

Regarding Claim 20, the claim is interpreted and rejected as claim 12 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claims 1, 5 and 8 stated above.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. and Kulha et al. and further in view of Wallace (US 5,684,337).

Regarding Claim 9, the combination of Yerbury and Kulha do not specifically disclose a system wherein an absence of signaling and/or altered signaling at the personal device indicates an operating fault in the transmission process. However, Wallace discloses *Keyless Vehicle Entry Receiver Having A Diagnostic Mode Of Operation Wherein A Code Comparison Is Not Performed* that teaches a system to detect whether a malfunction in the transmitter exists (see Col. 4 lns25-67). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Wallace into the system(s) of Yerbury and Kulha for the purpose of determining whether a malfunction exists, so that action can be taken to rectify the situation.

Response to Arguments

6. As stated above in the ***status of Claims***, applicant has filed a Request for Continued Examination (**RCE**). Therefore a new non-final rejection has been written.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davetta W. Goins can be reached on (571)272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
4/6/2009

/Davetta W. Goins/

Primary Examiner, Art Unit 2612